



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,517	11/21/2003	Jae-Hee Cho	030681-595	8406
21839	7590	11/14/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			ROSE, KIESHA L	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,517

Applicant(s)

CHO ET AL.

Examiner

Kiesha L. Rose

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to the amendment filed 18 August 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura in view of McCormick et al. (U.S. Publication 2004/0119403).

Uemura discloses a light emitting diode (Fig. 5) that contains a substrate (101) on which an n-type semiconductor layer (102), an active layer (103) and a p-type semiconductor layer (104) are sequentially stacked, a p-type electrode on p-type semiconductor layer, p-type electrode being in electrical contact with p-type semiconductor layer, a first metallic layer (111) formed on the p-type semiconductor layer and a second metallic layer (112) that is formed on the first metallic layer and reflects light generated from the active layer, wherein the first metallic layer makes ohmic contact with the p-type semiconductor layer

The first metallic layer is formed of platinum (pt) or palladium (pd) (Column 11, lines 46-50)

The n-type semiconductor layer, active layer and p-type semiconductor layer are GaN based III-V nitride compound

In regards to claim 20 Uemura discloses the claimed invention except for the active layer to be an n-type material layer $\text{In}_x\text{Al}_y\text{Ga}_{1-x-y}\text{N}$ ($0 \leq x \leq 1$, $0 \leq y \leq 1$, and $x + y \leq 1$) based n-type material. Whereas Uemura disclose the active layer to be a n-type material layer of $\text{In}_{1-x-y}\text{Al}_x\text{Ga}_y\text{N}$ ($0 \leq x \leq 1$, $0 \leq y \leq 1$, and $x + y \leq 1$) (Column 3, lines 20-30). The Uemura reference discloses different examples of ratios that can be used to form the active layers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to for the active layer of $\text{In}_x\text{Al}_y\text{Ga}_{1-x-y}\text{N}$ ($0 \leq x \leq 1$, $0 \leq y \leq 1$, and $x + y \leq 1$), since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (1955)

Uemura discloses all the limitations except for the first and second metallic layers to be thermally processed in a temperature between 80-260 degrees. Whereas McCormick discloses a light-emitting device (Fig. 4) that contains a first metallic metal layer (230) and a second metallic layer (250), where the first metallic layer is palladium (Pd) or platinum (Pt) (Page 4, Paragraph 47) and the second metallic layer is silver (Page 6, Paragraphs 72 and 73). The first and second metallic layers are thermally processed with a temperature of 100 degrees. The temperature is 100 degrees to reduce likelihood of damage to the device layers. (Page 9, Paragraph 109) Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Uemura by incorporating the first and second metallic

Art Unit: 2822

layers to be thermally processed at a temperature of 100 degrees to reduce the likelihood of damage to the device layers as taught by McCormick.

Response to Arguments

Applicant's arguments with respect to claims 11 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2822

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiesha L. Rose whose telephone number is 571-272-1844. The examiner can normally be reached on M-F 8:30-6:00 off 2nd Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLR



Michael Trinh
Primary Examiner